

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>10-7-16</u>
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NYPRC LLC, d/b/a THE MADISON GROUP,

Plaintiff,

-v-

JD MORRIS CONSULTING LLC and JESSICA
MORRIS,

Defendants.
----- X

16 Civ. 6886 (PAE)

ORDER

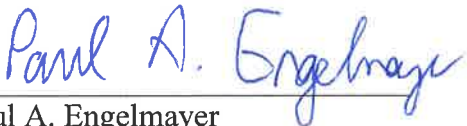
PAUL A. ENGELMAYER, District Judge:

On September 14, 2016, the Court dismissed this case without prejudice, following plaintiff NYPRC LLC's request, made the same day, to withdraw the complaint. Dkt. 6. The Clerk of Court then closed this case. On September 30, 2016, defendants nonetheless answered the complaint, and defendant Jessica Morris filed a third-party complaint bringing claims against Shalom Y. Segelman. Dkt. 7.

Jurisdiction for NYPRC LLC's original complaint was based on the existence of a federal question arising under the Defend Trade Secrets Act, 18 U.S.C. §§ 1836, 1839. Complaint, Dkt. 5, at ¶¶ 6, 19–37. Jurisdiction for Ms. Morris's third-party complaint, however, is based on supplemental jurisdiction, 28 U.S.C. § 1367; it exclusively raises state-law claims between non-diverse parties. *See* Dkt. 7. Because no case was pending before this Court at the time Ms. Morris brought her third-party complaint, the Court has no basis on which to exercise supplemental jurisdiction over Ms. Morris's state-law claims, and, in any event, would not exercise its discretion to do so with there being no extant federal claim.

Accordingly, defendants' answer is moot, and the Court dismisses Ms. Morris's third-party complaint without prejudice. The Court also vacates all summonses issued in this action. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: October 7, 2016
New York, New York